

REMARKS

In this Amendment, claims 8, and 11-13 are canceled, and claim 14 is new. After entry of this Amendment, claims 2 and 14 will be pending.

Claim 14 is supported by previous claims 8 and 11-13. Claim 14 is further supported at pages 27 through 31 of the specification with respect to the term “O₂⁻.” Specifically, pages 27 through 31 describe methods of measuring “reactive oxygen species,” which measure O₂⁻ (see page 29, line 1 and page 30, line 5, particularly). Additional support with respect to increasing expression of TNF- α and COX-2 can be found in Examples 6 and 7.

No new matter has been introduced.

Entry of this Amendment is respectfully requested. Further, entry of this Amendment is proper at this time, since this Amendment overcomes all remaining objections and rejections.

More specifically, claims 2 and 14 were discussed in the telephonic interview conducted on September 20, 2006, which opportunity was greatly appreciated. During the interview, as indicated in the Examiner’s Interview Summary form, it was agreed that present claims 2 and 14 would be allowable. Applicants’ Statement of Substance of Interview is being filed herewith.

The Amendment overcomes all remaining objections and rejections as follows.

I. **Response to Claim Objections**

(1) The Office Action Summary indicates that claim 2 is objected to, although no basis for an objection is set forth in the Office Action.

During the Examiner Interview conducted on September 20, 2006, the Examiners indicated that the objection to claim 2 was unintended.

(2) At pages 2 and 3 of the Office Action, the Examiner objects to claim 11 as being a substantial duplicate of claim 13.

Claims 11 and 13 are canceled.

II. Response to Claim Rejections Under 35 U.S.C. §112, Second Paragraph

(1) At page 3 of the Office Action, claim 8 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner states that the term “reactive oxygen species” is not sufficiently clear.

Claim 8 has been canceled and replaced with new claim 14. Claim 14 recites that the polypeptide produces “O₂·.”

(2) At page 3 of the Office Action, claim 8 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner finds the language “accelerate expression” to be unclear.

Claim 8 has been canceled.

New claim 14 recites that the polypeptide “increases expression of TNF-α” and “increases expression of COX-2.”

(3) Also at page 3 of the Office Action, claim 12 is rejected under 35 U.S.C. §112, second paragraph, because the langauge “judging whether or not” is considered unclear.

Claim 12 is canceled, and new claim 14 does not contain this language.

The claims fully comply with the requirements of Section 112, second paragraph, and thus withdrawal of these rejections is requested.

III. Response to Rejections Under 35 U.S.C. §112, First Paragraph

At pages 4-9 of the Office Action, claims 8 and 12 are rejected under 35 U.S.C. §112, first paragraph, for not complying with the written description and enablement requirements.

Claims 8 and 12 have been canceled.

New claim 14 recites the polypeptide of claim 2, which is not rejected under Section 112, first paragraph, and which is allowable.

Accordingly, new claim 14 is also believed to be allowable (see Examiner Interview Summary and Applicants' Statement of Substance of Interview).

Withdrawal of this rejection is requested.

IV. Response to Claim Rejections Under 35 U.S.C. §103(a)

At pages 10-12 of the Office Action, claims 8 and 12 are rejected under 35 U.S.C. §103(a) as being obvious over Banfi et al. (GenBank Accession No. AF166328) and Banfi et al, *Science* 287:138-42 (2000), in view of Ostrakhovitch et al., *Biochem Pharmacol.* 62:743-6 (2001).

Claims 8 and 12 have been canceled.

New claim 14 recites the polypeptide of claim 2, which is allowable and not rejected under Section 103(a).

Accordingly, withdrawal of this rejection is requested.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order.

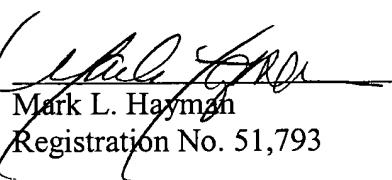
Amendment Under 37 C.F.R. 1.116
Application No. 10/509,622

Attorney Docket No. Q83855

However, if the Examiner believes that further issues should be addressed before allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below, to expedite resolution of the same.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Mark L. Hayman

Registration No. 51,793

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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